

NO ARGUMENT DATE SET

No. 15-7044

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**BURK & REEDY, LLP,
JAMES EDDY BURK, ESQUIRE, ATTORNEY,**

Plaintiffs – Appellants,

v.

AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY,

Defendant – Appellee.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CIVIL ACTION NO. 1:13-CV-890 (RBW)**

***Consent Motion to Extend Time for the Filing of
the Appellee’s Brief***

COMES NOW Appellee American Guarantee and Liability Insurance Company (“AGLIC”), and respectfully moves this Court pursuant to Federal Rule of Appellate Procedure 26(b) (“Extending Time”) and Circuit Rule 28 for an order extending the time for the filing of the Appellee’s Brief by seven (7) days due to the continuing efforts by Appellee AGLIC to finalize the Brief. Pursuant to Circuit Rule 28(e), Appellee AGLIC consulted beforehand with counsel for the Appellants, which discussions resulted in the **consent of all the parties** to this

request to modify the briefing schedule by extending the times as set forth below.

(1) On July 7, 2015, this Court issued an Order setting the present briefing schedule in this case. *See* Doc. No. 1561234. By that Order, the Appellee's Brief is presently due by September 16, 2015, and the Appellants' Reply Brief by September 30, 2015.

(2) By this motion Appellee's counsel requests an enlargement of time of seven (7) calendar days on the remaining deadlines in the briefing schedule including the deadlines for (i) Appellee's Brief and (ii) Appellants' Reply Brief.

(3) Said request is made because of the departure from Appellee's counsel's firm of the primary drafter of the Appellee's Brief has hindered counsel's ability to timely complete the Appellee's Brief.

(4) Because all the parties have consented to this proposed seven (7) day enlargement of the times, no party will be prejudiced by the requested enlargements.

(5) This case has not yet been calendared for oral argument, and thus the proposed enlargements of time will not affect argument date for this appeal.

(6) The proposed briefing schedule is as follows:

Appellee's Brief:	September 23, 2015
-------------------	--------------------

Appellant's Reply Brief:	October 7, 2015
--------------------------	-----------------

For all these reasons, Appellee AGLIC respectfully requests that the Court grant this consent motion and extend the times as proposed above for the filing of the Appellee's Brief and the Appellants' Reply Brief.

September 15, 2015

Respectfully submitted,

*Attorneys for Defendant,
American Guarantee and Liability
Insurance Company*

COUGHLIN DUFFY LLP

By: /s/ Adam M. Smith
Adam M. Smith, Esq.
350 Mount Kemble Avenue
P.O. Box 1917
Morristown, New Jersey 07962-1917
(973) 267-0058
ASmith@coughlinduffy.com

CARR MALONEY P.C.

/s/ William J. Carter
William J. Carter, Esq.
2000 L Street, N.W.; Suite 450
Washington, D.C. 20036
(202) 310-5500 – Phone
(202) 310-5555 – Fax
wjc@carrmaloney.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *Consent Motion to Extend Time for the Filing of the Appellee's Brief* was mailed, postage pre-paid this 15th day of September, 2015, to:

James E. Burk
Burk & Reedy, LLP
1740 N Street, NW
Suite One
Washington, D.C. 20036

/s/ William J. Carter

William J. Carter